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THE FACULTY OF MEDICINE AT PARIS, CHARLATANISM, AND UNLICENSED MEDICAL PRACTICES IN THE LATER MIDDLE AGES

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The rôle of the medical faculty of the university of Paris ¹ in matters affecting the health of residents of the city of Paris was an active and important one. Not only did the faculty respond to the requests for aid in the periodic outbreaks of pestilence and plague from 1348 onward,²

¹ Material for the present article, read in part before the New York Society for Medical History, and constituting part of a larger study now in progress on "The Rights, Privileges, and Immunities of Mediaeval Universities and University Scholars," was gathered during a year abroad under a Fellowship Grant from the John Simon Guggenheim Memorial Foundation for 1950-1951.

A list of the extended titles for those works frequently cited in abbreviated form in the notes will be found at the close of the article.

² In 1348 King Philip IV asked for aid from the university faculty of medicine: *Chart. univ. Paris.*, II, no. 1159, p. 623; A. M. Campbell, *The Black Death and Men of Learning*, New York, 1931, pp. 14-17; and cf. *ibid.*, p. 97. In the fifteenth century so many masters, because of the great multitude of the sick, were occupied with practice that they were unable to carry on their teaching: *Chart. univ. Paris.*, IV, pp. 351-352. See also *ibid.*, III, p. 107, no. 1284. In the year 1500 when the provost of the city of Paris asked the faculty's aid in combating the plague, the faculty requested in return the provost's assistance in combating illegal medical practice by charlatans and empirics: Wickersheimer, *Commentaires*, Paris, 1915, introduction, particularly, pp. lxxxviii-xci; also pp. 425 (1499-1500), and 448 (1500-1501).

but on its own initiative it undertook the less spectacular task of attempting to stamp out charlatanism and medical practice by empirics. It also endeavored, "in the public interest," to establish an effective surveillance over apothecaries, herbalists, and surgeons. To realize these aims, the faculty relied not only on the issuance of regulations and statutes but even more particularly upon the active prosecution, with the aid of the bishop's court, of those who engaged in illicit practices. The regulations and the records of the court proceedings in specific instances, in the fourteenth and fifteenth centuries, which have been utilized in the present study, reveal the steps taken to punish charlatans and empirics and the difficulties of enforcing the university regulations.³

The university's right to prosecute unlicensed persons who were practicing medicine was based, it asserted, upon a regulation issued at some earlier date by the bishop's court at Paris. The intent of this regulation which, in 1311 and 1322, was said to have been made some two hundred years before, was to prohibit from engaging in medical practice in Paris anyone who had not been examined and approved by the faculty. Both the authenticity and dating of such a statute appear doubtful since so far no text of such a pronouncement seems to have been found. There is also no apparent evidence that an organized faculty of medicine was functioning in Paris before 1200.⁴ It is of course possible that the term "two hundred years" was a mere figure of speech to establish the hoary antiquity of the faculty's jurisdiction.

There were some precedents outside of Paris for the principles of examination and licensing of practicing physicians but no records of such regulations appear to be extant before the first quarter of the twelfth century. Such regulations would appear therefore to be a distinctly medieval phenomenon. No legal restrictions on practicing physicians prevailed in antiquity, despite the emphasis of the Hippocratic school of physicians upon adherence to a strict code of professional ethics. And although this code of ethics, preserved in the Hippocratic Oath, persisted into the middle

³ The most interesting collection of materials for this purpose is that contained in the seventeenth century manuscript in the Paris Archives nationales: MM 226: "Extrait sommaire des divers procès de contestation de la faculté de médecine depuis contra divers particuliers exerçant illicite la médecine. Pour l'utilité publique et d'histoire . . . ab anno 1311 ad annum 1395." Most of the materials in this collection have already been published in the *Chart. univ. Paris.*, which at II, xxi, reports on it.

⁴ Medicine along with Civil Law was being taught at Paris between 1175 and 1190 and very probably earlier, but it is doubtful that the medical faculty was organized at that early period: *Chart. univ. Paris.*, I, pp. 55-56, no. 54.

ages,⁵ there were no laws against medical practice by ignorant and untrained persons who might never have heard of the Hippocratic oath. Thus Pliny the Elder caustically remarked that there "is no law which punishes ignorance, no example of redress for this capital crime, that they (the physicians) learn by endangering our lives and carry on experiments by causing deaths, to such an extent that the greatest impunity is given to a physician for having killed a man."⁶ Only in the fourth century of the Roman Empire do we encounter any legislation in this regard. But the laws made under Valentinian I and Valens providing for the examination of those preparing to practice medicine pertained only to the chief physicians, the *archiatri* or the physicians associated with the royal or imperial person. The Theodosian Code further added that after the prospective *archiatri* had submitted to an examination by a college or royal council of the chief physicians, they must have the emperor's consent before they could practice in the palace.⁷ It was apparently to this royal council of chief physicians that Cassiodorus addressed his *Formula comitis archiattrorum*, in the early sixth century.⁸

But even such scanty legislation became a dead letter with the breakdown of Roman imperial authority in western Europe. From the sixth century onward, medical learning and skill, transmitted from antiquity together with the code of medical ethics embodied in the Hippocratic oath, were obliged with other classical learning to take refuge in monastic centers. There under ecclesiastical supervision medical study and practice were at first encouraged and cultivated probably for purely practical reasons and in accordance with the clear admonitions of the "Book of Ecclesiasticus"⁹ that the physician and medicine are to be honored because they are created by God. Cassiodorus in his monastic retreat at Vivarium urged the monks to become acquainted with the medical works that he had collected for their use;¹⁰ and Rabanus Maurus two centuries later, in both

⁵ In this regard see especially L. C. MacKinney, "Medical Ethics and Etiquette in the Early Middle Ages: the persistence of Hippocratic Ideals," *Bulletin of the History of Medicine*, 1952, vol. 26, 1 *et seq.*, and the references there cited.

⁶ Pliny, *Nat. Hist.*, lib. XXIX, cap. 8 (*Bibl. classica latina*, 1829, vol. 79: viii, p. 198).

⁷ See H. Conring, *De antiquit.*, pp. 57-59, 259-261, citing "Const. Valentiniani et Valentis"; and *The Theodosian Code and Novels and the Sirmondian Constitutions, a translation with Commentary, Glossary, and Bibliography*, by C. Pharr, Princeton University Press, 1952, p. 388.

⁸ *Variarum*, liber VI, paragraph xix (Migne, vol. 69, cols. 700-701).

⁹ Liber Ecclesiasticus, 38, 1-11 (*Biblia Sacra Vulgatae Editionis Sixti V Pont. Max.*, 1922, p. 655): "Honora medicum propter necessitatem: etenim illum creavit Altissimus . . . Altissimus creavit de terra medicamenta. et vir prudens non abhorrebit illa."

¹⁰ *De inst. divin. lett.*, cap. 31 (Migne, vol. 70, cols. 1146-47).

his encyclopedic "De universo" and in his "Commentary on the Book of Ecclesiasticus," urged that out of necessity medicine should be cultivated and honored rather than spurned.¹¹

By the twelfth century, however, the increasing tendency of members of monastic orders to engage in medical practice to the neglect of their religious duties was cause for alarm and regulation by the ecclesiastical authorities. Prohibitions of such practice, at first directed only to monks who practiced medicine for gain, were later extended to any or all medical practice or study outside the monasteries by members of the orders.¹² In the thirteenth century Pope Honorius III renewed the prohibitions and extended them to all clerics regular or secular.¹³ But by the middle of the fourteenth century such restrictions were being set aside by papal dispensations, and clerics, regular or secular, were given permission to study, to lecture, and to practice medicine at Paris or elsewhere in accordance with the university regulations.¹⁴

Direct regulation of those who wished to teach medicine and to practice among the populace first appeared in southern Italy where the school of Salerno was already a flourishing medical school in the eleventh century. Legislation relating to the examining and licensing of prospective physicians is extant, however, only from the twelfth century.¹⁵ On the other

¹¹ De universo, liber XVIII, cap. 5 (Migne, vol. 111, col. 501): "Medicinae curatio spernanda non est quia et sanctos viros ea uti legimus . . . Eccl. Honora medicina propter necessitatem." Comm. in Ecclesiasticum, liber VIII, cap. 13, De medico honorando (Migne, vol. 109, col. 1030).

¹² This was done at the councils of Reims in 1131 and at the Lateran council in 1139: E. Lesne, *Histoire*, pp. 679, 688. For the prohibitions of 1163 and 1179 (1180), see *Chart. univ. Paris.*, I, pp. 3 (no. 1); 78, note.

¹³ For the prohibitions of Pope Honorius III in 1213 and 1219, see *Chart. univ. Paris.*, I, pp. 77-78; 90-93; and for those of 1227-1268, see *ibid.*, I, pp. 478-479.

¹⁴ On January 9, 1364, clerics were permitted to enter the faculty of medicine and to be given a license; and on November 1, 1380, pope Clement VII granted to Guibertus de Celceto, a canon of the church of S. Germain and master of medicine, the right to lecture on and to practice medicine at Paris. A similar dispensation was given to Guibertus de "Saliceto," physician of Charles V, on September 25, 1377, by Gregory XI: *Chart. univ. Paris.*, III, pp. 109-110; 292, no. 1452; 331, 339, no. 1501; Arch. Nat. MM 266, p. 166. See also *Chart. univ. Paris.*, IV, pp. 55, 138, 197, 209, 578, 604, for such dispensations in the fifteenth century; Wickersheimer, *Commentaires*, introduction, pp. xlv-xlvii.

¹⁵ For Salerno and Naples, see H. Conring, *De antiquit.*, pp. 60-61, 104, 106-107; H. Rashdall, *The Universities of Europe in the Middle Ages* (new ed. by F. M. Powicke and A. B. Emden, 3 vols.), Oxford, 1936, I, 76 *et seq.*; 83-85; also F. R. Packard, *History of the School of Salernum*, New York, 1920, pp. 34-36. The English translation of the ordinances was published by E. F. Hartung, "Medical Regulations of Frederick the Second of Hohenstaufen," in *Medical Life*, 1934, vol. 41, pp. 587-601.

hand ecclesiastical supervision of those who wished to teach medicine in the university is revealed at Montpellier in 1220, when Cardinal Conrad, the papal legate, made a ruling in this regard. He stated that although the science of medicine had flourished for a long time at Montpellier, henceforth no one ought to be free to teach medicine publicly there unless he received the license to teach (*licentia docendi*) from the bishop of Maguelone after he had been examined and recognized as qualified.¹⁶ Earlier, in January, 1181, Guilhem VII, lord of Montpellier, had declared that the teaching of medicine in the schools of Montpellier should be free from outside interference.¹⁷

Although many of the provisions enacted by the medical faculty at Paris, for the examination and licensing of prospective physicians, resembled the imperial legislation at Salerno and Naples, the action of the faculty of the northern university provides a distinct contrast to the other centers. For unlike either Salerno or Montpellier, the initiative for the active prosecution of those practicing without a license came not from the imperial, ecclesiastical, or royal authorities but from the university medical faculty itself. In 1271 and 1272, the faculty at Paris took occasion to define more clearly the requirements for obtaining the license which was conferred by the chancellor of the Cathedral of Notre Dame.¹⁸ At the same time the faculty proceeded to legislate against persons who were practicing illegally without a license and without the approval of the faculty, or more explicitly against those who "by shameful and brazen usurpation," assumed the office of medical practitioner at Paris. The members of the faculty denounced those empirics, who, without the approval and counsel of the more learned members of the profession, were administering to all comers medicines which they had concocted out of their own heads. They were declared by their treatment of the sick, based only on the whims of chance and fortune, to be guilty of criminally handing over many to suffering and even to death. The faculty pointed out that by practicing without authorization such persons were imperilling the safety of their own souls and were daily incurring the penalty of the ban of excommunication which would be launched by the official of the bishop of

¹⁶ *Cartulaire de l'université de Montpellier* (2 vols.), Montpellier, 1890, I, pp. 180-183.

¹⁷ *Ibid.*, pp. 179-180. See also E. Nicaise, introduction to his edition of *La Grande Chirurgie de Guy de Chauliac*, Paris, 1890, pp. li *et seq.*

¹⁸ *Chart. univ. Paris.*, I, p. 517, no. 453; English translation by L. Thorndike, *University Records*, pp. 81-82. For other documents on license requirements, see *Chart. univ. Paris.*, I, nos. 444, 451-456; II, nos. 921, 996; IV, no. 2659. See also Wickersheimer, *Commentaires*, introduction, pp. xi-xvii, xviii *et seq.*

Paris against them. By their practices these empirics were said to constitute a distinct threat to the welfare of the residents of Paris as well as a serious discredit to the good name and repute of the more learned members of the medical profession. The faculty went on further to assert that it had been urged to take action to correct the existing critical situation by clergy and laymen alike. To prevent the continuation or perpetuation of such errors, perils, and resulting scandals, the faculty drew up, therefore, the regulations which were, it insisted, in confirmation of a statute made long ago, a statute which was said to be supported by letters of the official of the bishop of Paris, by royal authority, and the oaths taken by the individual members of the faculty of medicine.¹⁹

The regulations of 1271 were directed particularly against "certain manual operators," who made or possessed various medicaments which they administered without knowing the relation which these medicines had to diseases. Under every penalty allowed by civil and canon law for noncompliance with the law it was provided that no surgeon, male or female, no apothecary nor herbalist, was to exceed or overstep the limits or bounds of his craft, either secretly or publicly. The surgeon was to engage only in manual practice, the apothecary and herbalist were only to mix drugs which were to be administered exclusively by masters in medicine or under their express license. No one of the aforementioned was to visit any sick person nor "to administer to him any alterative medicine or laxative or anything else" that pertained to a physician, nor was he to advise that it be administered except by a master in medicine. Surgeons, apothecaries, and herbalists, were to be bound by oath to obey these provisions. Furthermore, bachelors in medicine,²⁰ that is those who had been permitted to lecture but were not yet licensed as masters in the medical faculty, under penalty of having their promotions withheld, were strictly forbidden to visit patients or to administer to them any drugs unless they were accompanied by or were in the presence of a master of the medical faculty. Information regarding anyone acting contrary to this statute was to be revealed secretly and under oath to the dean or to some teaching master in the medical faculty. The one to whom such information was given was to be obliged to shield the informer.²¹

¹⁹ *Chart. univ. Paris.*, I, p. 488-490, no. 434. The document is translated into English by L. Thorndike, *University Records*, pp. 83-85.

²⁰ For the use of the term "baccalarius," or "bachelarius," in medicine, see Wickersheimer, *Commentaires*, introduction, p. xviii and note.

²¹ *Chart. univ. Paris.*, I, pp. 489-490; Thorndike, *op. cit.*, pp. 84-85; Wickersheimer, *op. cit.*, introduction, pp. lxxii *et seq.*

Thus armed with laws of its own making, the faculty through its dean undertook the more difficult task of securing their enforcement. In 1311, a charlatan or empiric against whom the dean of the faculty brought charges of illegal practice demanded to know by what right the faculty dared to trouble him in his medical practice. To this demand the faculty made the reply noted above that their authority dated back to a statute of the official of the bishop of Paris made two hundred years earlier. By this statute, it was asserted, the right to practice medicine in Paris was denied to anyone who was not a master or who had not been licensed in the faculty of medicine.²² The case, in 1312, of Clarice de Rothomago, wife of a certain Peter Faverel, revealed the steps taken against unlicensed persons. In this case, which ran from January 17 to June 15, 1312, Clarice was accused of practicing medicine illegally in Paris and was arrested at the instance of the dean of the faculty of medicine. She was then put under ban of excommunication by the official of the bishop's court at Paris. From this penalty she appealed to the official of the bishop of Senlis, the so-called conservator of the apostolic privileges of the university.²³ Her appeal was, however, of no avail since the dean of the medical faculty was able to obtain from the bishop of Senlis a reaffirmation of the sentence of excommunication against Clarice and against her husband as well. They were both to be denounced in all the churches and anyone who associated with them was to be subject to the same penalty.²⁴

The effectiveness of this ban of excommunication and oral denunciation, applied against Clarice and her husband, as a means of frightening off other unlicensed persons from medical practice, appears to have been slight. Numerous cases of illegal practice continued to come to the

²² Pajon de Moncets, *De l'origine des appariteurs des universités et de leurs masses*, Paris, 1782, pp. 122-123. Wickersheimer, *op. cit.*, pp. lxxii-lxxiii, indicates that it was probably toward 1220 that the faculty of medicine obtained from the diocesan official a sentence reserving the right to practice medicine at Paris and in the faubourgs to those who had obtained the master's degree in medicine with the approval of the chancellor of the university.

²³ The conservator of apostolic privileges of the university had the general power of protecting the university in its enjoyment of the privileges granted to it, and to secure respect for these privileges by punishing those who infringed upon them by ecclesiastical censure: Rashdall, *The Universities of Europe in the Middle Ages*, 1936, I, 342-343; 417-419.

²⁴ Paris, Arch. Nat. MM 266, pp. 3-13; *Chart. univ. Paris.*, II, pp. 149-153, nos. 693, 693a-c. The husband of Clarice, Petrus Faverel, was excommunicated as "empeiricus" on June 13; *ibid.*, pp. 150-151. He had sent no witnesses and had failed to appear himself after the appeal. He was therefore judged contumacious and the costs of the case were adjudged against him. The sentence against Clarice was issued on June 14, 1312; *ibid.*, pp. 151-152.

attention of the faculty. One of the most interesting of these was the case of Jacqueline Félicie de Almania. Her involvement began with her citation on August 11, 1322, for illegal practice, before the official of the bishop of Paris by the proctor of the dean of the medical faculty. She was duly excommunicated and, like Clarice, appealed against this sentence.²⁵ In the course of her trial, the proceedings of which continued for several months, a great many witnesses were called to testify on each side. Among the witnesses for the prosecution, on the side of the faculty, was the military knight and surgeon, John of Padua, who had been, as early as 1301, surgeon to the king of France, Philip IV.²⁶ John asserted that the penalties of prohibition and excommunication had been in operation for more than sixty years against ignorant and illicit empirics practicing in Paris and its environs. These penalties had been applied with the full approval of the venerable official of the bishop's court at Paris as well as with that of the illustrious kings of France. Yet contrary to these well known facts the defendant in question had persisted in acting as a physician although she was totally ignorant of the art of medicine. She was not lettered, nor had she been approved as competent in those things which she presumed to treat.

Furthermore, John pointed out, as it was forbidden by law that a woman practice law or be a witness in a criminal case,²⁷ so it was of far greater moment that she be likewise barred from the practice of medicine. Such practice required her to prescribe for patients foods and drinks for internal consumption and to apply clysters when in truth she knew neither the causes of the diseases from which they were suffering nor understood the letter or art of medicine. How much more serious therefore, John argued, was the danger that she might thus kill a man by these potions and clysters than that she might lose a civil suit through ignorance of the law. For through lack of knowledge in the former she might commit murder, and such a death would be a mortal sin over which the church would have jurisdiction. Hence in John of Padua's opinion the admonition

²⁵ *Chart. univ. Paris.*, II, pp. 255-256, no. 811; Arch. Nat., MM 266, pp. 13, 22, 23. Of this case Wickersheimer, *Commentaires*, introduction, p. lxxv, states: "C'est dans les pièces du procès intenté en 1322 à Jacqueline Félicie que nous trouvons les détails les plus intéressants pour l'histoire du charlatanisme à Paris au moyen âge."

²⁶ For John of Padua, see *Chart. univ. Paris.*, II, p. 256, note 1; also *ibid.*, II, no. 812, note; and Wickersheimer, *Dictionnaire*, II, 459.

²⁷ For the prohibition against the admission of women to the corporation of barristers or lawyers, see Paul Fournier, *Les Officialités, au moyen âge. Etude sur l'organisation, la compétence et la procédure des tribunaux ecclésiastiques ordinaires en France, de 1180 à 1328*, Paris, 1880, pp. 32-33; and for the prohibition against their appearing in civil courts as accusers, *ibid.*, p. 238.

and decree of excommunication launched by the official of the episcopal court at Paris should be binding.²⁸

Equally emphatic were the arguments put forth by the defending counsel. He pointed out that Jacqueline Félicie had treated and cured many sick persons; that she had brought them comfort when other physicians had failed to do so; and that she had visited and cared for her patients assiduously until they were cured. This was corroborated by several witnesses who were brought to give testimony in Jacqueline's behalf. To each of these witnesses in turn the court put the questions of how they had learned about Jacqueline; whether she had acted as if she were a qualified physician; whether she had attempted to extort money from them; and finally, whether they knew that she had not been approved in any *studium generale*,²⁹ at Paris or elsewhere, or if they had seen her at Montpellier. In each instance the replies were similar. They had learned of her through a friend; she had proceeded as did most physicians in examining a patient; she had consistently refused to take any money until the patient had been cured; and they had not inquired into the matter of her qualifications. Among the witnesses for the defense was John of St. Omer. He testified that he had been cured of an illness by Jacqueline who had visited him several times and had done more for him than had any of the other physicians who were called in during his illness. She had given him a drink of some kind of clear liquid, which she or some one else had first sampled. Matilda, the wife of John of St. Omer, also attested the cure and added further that Jacqueline had applied poultices to John's chest.³⁰ Another witness, John Faber, asserted that Jacqueline had cured him by administering certain potions, one of them green in color, the other clear and colorless, but of what they were made, he did not know.³¹

An even more telling witness was a woman named Yvo Tueleu, a servant at the bishop's court in Paris. She related that she had been ill of a fever for which she had been visited by several physicians, none of whom had been able to cure her. Then at her request Jacqueline had come to her bedside, had given her a glass of the very clear liquid which had acted as a purge, and had successfully cured her of the fever.³² Various other

²⁸ *Chart. univ. Paris.*, II, p. 256, no. 812; Arch. Nat. MM 266, p. 14.

²⁹ The usual term for the place in which the university associations were established; for its use see especially, Rashdall, *The Medieval Universities*, 1936, I, pp. 6-8.

³⁰ *Chart. univ. Paris.*, II, pp. 257-262; 261-262; Arch. Nat. MM 266, pp. 17-21.

³¹ *Chart. univ. Paris.*, II, p. 259.

³² *Ibid.*, II, p. 262.

persons who had been treated by the defendant testified to her ability and skill. One of them, Dominus Odo de Cornessiaco, a friar of the Hotel Dieu at Paris, stated that he too in his illness had been visited by several prominent physicians including John de Turre,³³ and the physicians Martin, Herman, and others. But none of them had been able to cure him. Then Jacqueline had come and had brought him back to health. Her course of treatments had included steam baths, massages with oil, and applications of herbs including leaves of camomile, melilot, and others. He stated that she had worked incessantly until he was entirely cured. Another former and grateful patient, Johanna, the wife of a certain Dionysius, stated that she too had been ill of a fever for which she had been visited by several physicians, including a certain Friar de Cordelis, the masters Herman, Manfred, and several others. All of them had given her up for certain death. Then Jacqueline had come and saved her. And still a further former patient, Johanna de Monciaco, a storekeeper or haberdasher, testified that she had been ill of an affliction of the kidneys, and that she had been for eleven days at St. Sulpice where she too was visited by the physicians, Guilbert, Herman, Manfred, and Thomas, none of whom had been able to help her. Then Jacqueline had succeeded in doing so by administering a glass of the clear liquid mentioned earlier.³⁴

Also pointed out, in Jacqueline's defense, was the fact that there were many persons, practicing daily in Paris, who had not been approved in any university either at Paris or elsewhere and these persons similarly were without licenses either from the chancellor, the bishop of Paris, or from the said dean and masters of the medical faculty.³⁵ The defense then went on to attack the legality of the university statute.³⁶ This law, it was claimed, which had been invoked by the medical faculty had no legal validity, since it had never been approved by those whom it affected.

³³ *Ibid.*, II, pp. 259-260. Jean de Turre is probably to be identified with the son of the physician of Montpellier, Jourdain de Turre, who is noted by Wickersheimer as dedicating two of his works to his son in 1318: Wickersheimer, *Dictionnaire*, II, 497, 513-514.

³⁴ *Chart. univ. Paris.*, II, pp. 260-262; Arch. Nat. MM 266, pp. 18-19. Of the physicians named, Martin, Herman (Lombardus), Manfred, and Thomas (of Saint Georges), were all masters in the faculty of medicine, between 1310 and 1332: *Chart. univ. Paris.*, II, pp. 141, 350; 262, note 15; p. 394, note; Wickersheimer, *Dictionnaire*, II, 535, 766.

The various uses of the herbs camomile, or "camomilla" and melilot or "mellilotum" are noted in *The Herbal of Rufinus*, edited by L. Thorndike, Chicago University Press, 1945, pp. 71-72, 185-186.

³⁵ *Chart. univ. Paris.*, II, pp. 257-262, no. 813; Arch. Nat. MM 266, pp. 17-21. For the list of several other empirics condemned along with Jacqueline, see below.

³⁶ *Chart. univ. Paris.*, II, pp. 263-265, no. 814; Arch. Nat. MM 266, pp. 23-26, November 2, 1322.

It was merely an admonition by mandate of the venerable official of the bishop of Paris, an admonition, however, which was directed against ignorant, foolish, and unskilled persons merely simulating the medical art, yet totally ignorant of its precepts. Surely, it was argued, Jacqueline, an expert in the art of medicine and one who was well instructed in the precepts of medicine, could not be said to belong to this group. Moreover, if the university claimed that it was acting according to the law made some two hundred years earlier, the defense would direct attention to an even earlier law that states, "what touches all ought to be aproved by all."⁸⁷ Yet in this statute by which the faculty claimed to be proceeding, it does not appear that there was a summons of the masters, doctors, bachelors, and scholars of each faculty of the university then living at Paris, nor was there a summons of the bishop, archdeacon, dukes, barons, citizens, and burghers of Paris, whom such a decree also concerns and interests. Certainly none of these are named in the statute. In sum therefore, the defense argued, since those for whom the statute presumably was made had not been called, it was not valid, in their absence, and consequently it could not be binding on Jacqueline or on any other person.⁸⁸

As a final argument, the defense counsel declared, it was better and more fitting that a wise and sagacious woman, experienced in the art of medicine should visit another woman, to examine her and to inquire into the hidden secrets of her being, than that a man should do this. For a man is not permitted to do these things, that is to inquire into her innermost secrets and to touch the various parts of her body. Indeed a man ought ever to avoid and shun the secrets of women and fly from their intimate association as much as he can. Besides, the defense counsel continued, it was often true that a woman would rather die than reveal the secrets of her infirmity to a man out of a sense of modesty and even of shame. For this reason many women have died in their illnesses since they were unwilling to have a physician who might learn their innermost secrets. In the case of Jacqueline, the court was reminded, members of both sexes had confided in her and she had been able to cure those whom other doctors could not. In conclusion the defense counsel asserted, the decree or statute invoked by the faculty of medicine could not be binding since it had been shown to be contrary to the public good.⁸⁹

⁸⁷ For the use of this famous maxim, from the Roman Civil Code of Justinian, in the thirteenth and fourteenth centuries, see P. Kibre, *The Nations in the Mediaeval Universities* (The Mediaeval Academy of America), Cambridge, 1948, p. 39, note 64.

⁸⁸ *Chart. univ. Paris.*, II, pp. 263-265, no. 814; Arch. Nat. MM 266, p. 24.

⁸⁹ *Chart. univ. Paris.*, II, pp. 263-265, no. 814; Arch. Nat. MM 266, pp. 24-26.

Most of the above arguments the university members characterized as trifling. They answered the objection to the statute on the basis of its conflict with the earlier law, that what touches all ought to be approved by all, with the assertion that the statute in question was not made by the cathedral chapter of Paris, that it was not such a statute as would require that the persons named by the defense be called. The present dictum, the university insisted, provided a sufficient basis for the official of the bishop of Paris, the minister and executor of the law, to act upon. He could discern by this statute that such a person as the defendant was not qualified to practice the medical art. The final verdict against Jacqueline Félicie, issued on November 2, 1322, found her and several others named at the same time, guilty of willful disobedience. She and the others were prohibited by a solemn reiteration of the original sentence of excommunication from practicing medicine or from exercising the functions of a physician under the further penalty of a fine of sixty Parisian pounds.⁴⁰

Despite the specific character of this condemnation, it is quite apparent that illegal practice by charlatans and empirics continued. In the search for a remedy the medical faculty turned to the pope for aid and humbly beseeched him to take some action. On June 21, 1325, Pope John XXII wrote to Stephen, bishop of Paris, to urge his cooperation in preventing those ignorant of the art of medicine from practicing in Paris or its suburbs. The pope stated that he had been informed in a petition drawn up by the masters and scholars of the university that persons ignorant of the medical art, old women particularly, and even more to be detested, soothsayers, as well as others, were presuming to practice medicine in the city and environs of Paris, and that these charlatans were causing many deaths. In complying with the university's petition, the pope further asked the bishop of Paris to make careful inquiries into the reports, and, if necessary, to endeavor to find out the truth by calling a council of men learned in medicine whose advice he should then follow.⁴¹

Whether from inaction of the bishop of Paris or because the bishop's efforts had no greater success in securing an elimination of illegal practice

⁴⁰ *Chart. univ. Paris.*, II, p. 267, no. 816; Arch. Nat. MM 266, p. 23. The list of other persons condemned at the same time as Jacqueline for practicing illegal medicine included several women: Domina Jacoba, Johanna Conversa, wife of John Liblous who was also condemned for illegal practice of medicine (cf. Wickersheimer, *Dictionnaire*, II, 505; *Chart. univ. Paris.*, II, pp. 256, 267); also Margarita de Ypra, surgeon, and Belota Judea. Others included were Stephanus Burgundus or Etienne Burgondus, empiric, and Master Jacob Lépelé.

⁴¹ *Chart. univ. Paris.*, II, pp. 285-286, no. 844.

than the earlier efforts of the university itself, Pope John XXII again found it necessary, some five years later, on January 1, 1330, to address the new bishop of Paris, Hugh, on the subject of those illegally practicing medicine in the city and suburbs. His information regarding the presence of several such persons in the city had once again come from the university. He urged the bishop to make every effort to see that henceforth no one was permitted to practice medicine in the city or suburbs of Paris unless he was a master or was licensed in the art, or was otherwise known to be qualified by having been approved by a council consisting of the dean of the medical faculty and two of the masters then lecturing on medicine in the university. Those who should disobey this dictum must, he said, be subjected to ecclesiastical censure.⁴²

Between 1330 and 1332 the medical faculty was involved in a dispute with the chancellor over the granting of licenses. In the course of the quarrel the faculty sought for and obtained the support of the pope, of the king, and also of the provost of Paris. The final settlement reaffirmed the faculty's right to determine the qualifications necessary for the licensing of candidates for medical teaching and practice. The chancellor would henceforth be obliged to confer the license on anyone whom the faculty declared worthy and qualified.⁴³

Throughout the fourteenth century papal support for the faculty's supervision of medical practice continued. Clement VI, in 1340, threatened with excommunication not only those who should attempt to practice in Paris without the approval of the medical faculty but also those who should utilize the services of such physicians. Nevertheless illegal practice continued.⁴⁴ In 1347 (January 27), the dean and the faculty of medicine were obliged to petition the pope further for aid against those who were practicing illegally. Their petition again reported that there were at Paris men and women audaciously usurping the office of physician and engaging in the practice of medicine about which they knew little or nothing. To remedy this situation it was urged that the pope ask the bishop of Senlis, the conservator of the university's apostolic privileges, to use his authority to forbid anyone to practice medicine unless he was a master of the art or science of medicine or had at least been licensed in

⁴² *Ibid.*, II, pp. 336-337, no. 900; and cf. no. 844 for a similar letter. In Arch. Nat. MM 266, p. 160, 'ad an. c. 1331,' are noted several illicit practitioners at Paris (*Chart. univ. Paris.*, II, p. 337, note).

⁴³ *Ibid.*, II, nos. 918-943, for the entire conflict. For the instrument of composition of the difficulties, see *ibid.*, II, pp. 397-399, no. 943.

⁴⁴ BN fonds franç. 22110, fol. 387r.

another university. He was also to announce to all transgressors that they would be punished by ecclesiastical censure.⁴⁵ Three years later, on April 2, 1350 (1351), the faculty was still trying through one of its representatives, Adam of Francovilla, at the papal court to obtain articles with the pope's signature against illegal practice.⁴⁶ Restrictions on student doctors were also tightened on February 3, 1375, by the measure requiring all bachelors in medicine or those not yet licensed to take an oath that they would not practice medicine nor visit the sick, unless they were accompanied by one of the masters in the faculty.⁴⁷

The university made further efforts too to subject the apothecaries to specific regulation. In addition to the provisions relating to the dispensing of medicines contained in the statutes of 1271, the medical faculty had, on February 28, 1322, drawn up new articles, "in the public interest," which required that all apothecaries and dealers in drugs appear each year before the assembled faculty to take the oath that they were doing everything in their power to carry on effectively their work as apothecaries and herbalists. They must also swear that they were keeping on hand for easy reference a corrected copy of the *Antidotarium* of Nicholas of Salerno;⁴⁸ that they were using true and accurate weights tested according to those used at the fairs; that they would not use for filling prescriptions any medicines that had been corrupted; and that if they could not obtain the simples called for in their recipes they would use no other substitutes than those provided for in the *Quid pro quo*.⁴⁹

The ordinances provided also that the dean of the medical faculty and one apothecary chosen by the faculty would make periodic visits to the apothecary shops to look over the stocks of medicines. The apothecaries were prohibited from dispensing any medicinal laxatives or opiates which

⁴⁵ *Chart. univ. Paris.*, II, pp. 602-603, no. 1138.

⁴⁶ To defray the expenses incurred by Adam of Francovilla, the faculty was obliged to levy a tax on all its members: *Chart. univ. Paris.*, III, pp. 7-8, no. 1197; Arch. Nat. MM 266, p. 161.

⁴⁷ *Chart. univ. Paris.*, III, pp. 217-218, no. 1396.

⁴⁸ *Ibid.*, II, pp. 268-269, no. 817, and note. For Nicholas' *Antidotarium*, see also *ibid.*, I, p. 517, note 4. Nicholas probably flourished at Salerno in the twelfth century and is unknown except as author of the *Antidotarium*. See further for the work G. Sarton, *Introduction to the History of Science* (3 vols., Baltimore, 1927-48), II, 239-240.

⁴⁹ The *Quid pro Quo* (*Chart. univ. Paris.*, II, p. 569, note 6), which frequently appears with the *Antidotarium* of Nicholas, is probably by him. It gives an alphabetical list of medicinal simples or drugs with their substitutes. In the oath taken in 1422 by the apothecaries, they had to swear that they would not substitute one drug for another in the prescriptions except by the permission of the master who had given the original prescription; see below, note 51.

they had not first shown to the dean and the aforementioned apothecary, and had indicated the use to which they were to be put. They were further prohibited from selling or dispensing any laxative medicines, aborticides, poisons, or any other dangerous drugs, to any person without the advice of a physician who had been officially approved in the university of Paris, or in some other recognized university. Anyone who wished to become an apothecary must first read and swear to obey these regulations.⁵⁰

The faculty ordinances relating to dispensers of drugs were later strengthened by royal mandate. On May 22, 1336, King Philip VI of France addressed the provost of Paris and his lieutenant to the effect that they must enforce the law requiring apothecaries to take the oath to obey the ordinances of the medical faculty. The apothecaries were also to be required to swear that they would take care to see that their subordinates and the herbalists took the same oath to uphold and observe the ordinances. The provost was asked to make certain that the regulation requiring the showing of the medicinal laxatives and opiates to the masters of the faculty of medicine were enforced, and that care was taken to ensure that the medicines were fresh and good and that they had not been permitted to become spoiled or soiled.⁵¹

Despite the foregoing measures, King John of France, in December of 1352, asserted that according to information received from the dean and masters of the faculty of medicine there were many unauthorized persons of both sexes dispensing drugs and medicines freely in Paris. Included in their number were old women, monks, rustics, apothecaries, and numerous herbalists, also students of the medical faculty not yet licensed,

⁵⁰ *Chart. univ. Paris.*, II, pp. 268-269, no. 817. For statutes of the corporation of herbalists (épiciers) at Paris, see *Les métiers et corporations de Paris*, ed. by Lespinasse, Paris, 1886, pp. 500, 503; *Chart. univ. Paris.*, II, 269, note 2.

⁵¹ *Ibid.*, II, 269, note 2; p. 462, no. 1001; *Ordonn. des Rois*, II, p. 116. The mandate of Philip VI referred directly to the university statute of Febr. 1322; similarly King John's ordinance regarding the apothecaries in 1353, also agrees in large part with the faculty provisions of 1322: *Ordonn. des Rois*, II, 532. The earlier ordinances were also confirmed by Charles VI in 1390 (Aug. 3); and by Charles VII, on November 30, 1437: *Chart. univ. Paris.*, III, p. 534, no. 1586; IV, 601-602, no. 2515. See also the "Oaths required of Apothecaries at Paris," October 2, 1422, by the faculty of medicine: *Chart. univ. Paris.*, IV, pp. 406-407, no. 2196; translated by L. Thorndike, *University Records*, pp. 298-299. At this time (1422) the apothecaries were required to swear that they had on hand a corrected copy of the Synonyms (of Simon a Cordo of Genoa, physician to Pope Nicholas IV (d. 1292), and chaplain to Pope Boniface VIII (d. 1303): G. Sarton, *Introd.*, II, p. 1085), and of the Circa instans of Platearius, a pharmaceutical work, probably of the late twelfth century. See further Wickersheimer, *Commentaires*. Introduction.

The oldest statute regarding apothecaries at Montpellier, appears to date from the year 1340: *Cartulaire de l'université de Montpellier*, I, p. 344, no. 12.

or coming from other localities to practice in Paris. Such persons, although they were ignorant of the science of medicine, were unacquainted with the complexions and constitutions of men, and lacked knowledge of the virtues of medicines as well as of the time and method for administering them, were nevertheless administering them freely. The king found this a highly offensive proceeding, as well as a very dangerous one. For, his report continued, in such medicines, particularly laxatives, if administered unduly, lurks peril of death. Furthermore according to the reports, not only were these charlatans dispensing drugs about which they knew nothing, they were also applying clysters, and practicing phlebotomy, without calling in the aid of a qualified physician. Such shameful practices were resulting in "clandestine homicides and abortions on every hand and sometimes publicly." Accordingly, the king in his desire to provide for the welfare of his subjects, forbade anyone of either sex or of any condition whatsoever, "to administer any medicine, alterative, laxative, sirup, electuary, laxative pills, or clysters of any sort," for symptoms that he did not understand. No one was to administer opiates or offer medical advice or otherwise exercise the office of a physician in any way unless he was master or a licentiate in the science of medicine at the university of Paris, or in another university, unless he was acting under the advice and direction of a master of the university, or had been otherwise approved by the faculty of medicine as qualified to practice. The provost of the city of Paris was to have the power to enforce this edict by imposing pecuniary and other civil penalties upon those who should disobey it.⁵²

In addition to the foregoing provisions, the king further decreed, in August 1353, that the pharmaceutical establishments of the city of Paris and of its environs must be visited twice each year, namely about Easter and at the feast of All Saints (November 1), by a commission made up of representatives of masters of the apothecary art together with two masters of medicine. Apothecaries were also prohibited from delivering any medicinal remedies without an express commission from a physician. Any apothecaries or pharmacists who violated the royal ordinances were to be punished severely.⁵³

⁵² *Chart. univ. Paris.*, III, pp. 16-17, no. 1211. The document is translated into English by L. Thorndike, *University Records*, pp. 235-236. See also *Chart. univ. Paris.*, II, p. 462, no. 1001; and *Les métiers et corporations*, ed. by Lespinasse, Paris, 1886, p. 504. For near deaths caused by illegal practitioners, see also *Chart. univ. Paris.*, II, p. 337, note.

⁵³ *Ibid.*, III, p. 20, no. 1215. The king was said to have confirmed certain ancient ordinances of the university (*Ordonn. des rois*, II, 532; and cf. *Chart. univ. Paris.*, II, p. 268).

It does not appear that the royal edicts were any more efficacious in stamping out charlatanism than were those of the university. On August 3, 1390, another royal ordinance indicated the continued persistence of illegal practice. Charles VI on that date reported to the provost of the city of Paris and to his other justices that the king's attention had been called to the fact that in Paris persons without approval or license were engaging in medical practice as well as in surgery. Such persons were said to be visiting patients and to be promising to effect cures which they were unable to accomplish. The king therefore demanded that the provost and other justices investigate these charges and take appropriate action against those who were found to be unqualified and who were practicing without the approval of the medical faculty.⁵⁴

There was also at Paris, as in Naples and Salerno, an attempt made to regulate the practice of surgery, although this was at first primarily a municipal concern rather than that of the university.⁵⁵ The separation of manual surgeons from the medical faculty was rigorously maintained through the fourteenth and early fifteenth centuries.⁵⁶ The masters in medicine were, however, on occasion called in for consultation at the trials of unauthorized persons operating as surgeons. This is illustrated in the case of Perretta Petonne who, at the instance of the masters of the surgeons, was arrested in 1411 for operating as a surgeon although she had not been approved by either the physicians or surgeons. Her case was already before the Parlement in 1410. She had first been interrogated, on June 9 of that year, by masters in medicine who had tried to find out if she could read. Their conclusion was that she did not know an "a from a fagot," and furthermore that she did not know what were the

⁵⁴ *Ibid.*, III, pp. 534-535, no. 1586; *Ordonn. des rois*, VII, 353.

⁵⁵ As early as 1307 a municipal statute provided that barbers who practiced surgery were forbidden to do so unless they had been examined by six masters of surgery who had been named by the provost of Paris and who had been sworn in and made responsible for the loyalty and qualifications of the surgeons (BN fonds fr. 11709, fols. 14r, 13v; 86r-v). The ordinance was renewed in 1311 by Philip IV who put master Jean Pitard, his surgeon, in charge of the examining masters of surgery (*Chart. univ. Paris.*, II, p. 149, no. 692, and note) and by succeeding monarchs (*Chart. univ. Paris.*, III, p. 14, no. 1205; also *ibid.*, III, pp. 42, 70-71, 113; IV, pp. 423, 618). See also Wickersheimer, *Commentaires*, introduction pp. lxxvi et seq.

⁵⁶ Thus on June 9, 1408, the faculty of medicine in its congregation considered the case of Johannes de Pisis, a surgeon, who before his acceptance into the faculty had manually operated. This master was summoned before the faculty and was required to promise under oath that he would no longer operate manually in public surgery at Paris: *Chart. univ. Paris.*, IV, p. 156, no. 1853. Cf. E. Wickersheimer, *Commentaires*, pp. lxxvi, 5, 47.

properties of herbs in prohibited remedies, such as "ache" and "ysope." At a second interrogation, on June 16, when the sick persons treated by Perretta were summoned to testify, Perretta declared that she was working "for God." She asserted that it was unjust that she should be molested when several other women were engaged in the practice of surgery at Paris, yet they were not being interrogated. The chief objection to Perretta, as the learned editors of the *Chartularium* noted, was not her sex, but the fact that she was practicing without the approval of the commission of municipal surgeons.⁵⁷

In 1436 the surgeons were admitted as actual scholars in the faculty of medicine. They were allowed to attend lectures but could not proceed to the degree. However, they were as scholars to enjoy all "the privileges, franchises, liberties, and immunities conceded to the university." The reasons set forth by the university for the admission of the surgeons to the faculty of medicine, were that "in recent times," against the good of the public, many unapproved, false, or fictitious surgeons, who were corrupting and destroying the venerable science of surgery were making of it a public horror and scandal to the detriment of the people. The reference was to the struggle that was being carried on between the surgeons and the inferior class of barbers. The latter were claiming that they could operate surgically in certain cases although they had not been approved by the commission of municipal surgeons.⁵⁸

Some seven years later, in 1443, the surgeons and the medical faculty also united to make common cause against a group of illicit medical practitioners called "cabusatores et cabusatrices." But not long thereafter, in 1446, a conflict broke out between the surgeons and the medical faculty when the surgeons did not respond to the call to a faculty convocation. The faculty had demanded that the surgeons take an oath in the presence of the faculty that they would refrain from going outside their proper

⁵⁷ *Ibid.*, p. 60; *Chart. univ. Paris.*, IV, pp. 198-199, note 1, no. 1912. It would appear that medical and surgical studies were not considered unsuitable for women. This is illustrated by the plan of education outlined, in 1309, by Pierre Dubois. In his treatise "On the Recovery of the Holy Land," Pierre Dubois stated that "to educate the girls in medicine and surgery, it will be advisable that two girls more highly trained than the others in medicine and surgery and their experiences remain to teach the others both theory and practice": selection translated by L. Thorndike, *University Records*, pp. 148-149. See further on women physicians in the middle ages, E. Nicaise, introduction to his edition of *Guy de Chauliac*, pp. lxiii et seq., p. 16.

⁵⁸ *Chart. univ. Paris.*, IV, pp. 594-595, no. 2496; Wickersheimer, *Commentaires*, p. 162. For the litigation between the surgeons and barbers, see *Chart. univ. Paris.*, IV, pp. 442-443, no. 2253; also *ibid.*, IV, pp. 675-676, no. 2621.

field of activity and that they would not prescribe digestive and laxative medicines or sedatives. This the surgeons refused to do.⁵⁹

On January 11, 1494, the medical faculty opened its lectures to the corporation of the barbers. Up to that time the barbers had apparently taught each other. At one time a student in the medical faculty had acted as their teacher, but he had been obliged by the faculty to discontinue.⁶⁰ The surgeons requested that the faculty once again close its doors to the inferior barbers, and finally, in 1495-1496, reached an accord with the faculty. Not long afterward, however, in 1498, the medical faculty again complained that the surgeons were prescribing alterative and laxative medicines. It was not until 1506 that amicable relations were finally restored between the surgeons and the medical faculty.⁶¹

That the combined efforts of the medical faculty, the popes, the kings of France, as well as of the municipal magistrates, were unable to succeed in stamping out illegal practices in medicine, surgery, or in the sale and preparation of medicaments and drugs,⁶² is amply illustrated by the continued reiteration of measures against these practices. In the first quarter of the fifteenth century, Henry V of England, as one of the first of his acts as regent of France, reaffirmed the statutes of the French monarchs against such evils. He threatened with imprisonment anyone found to be practicing without authorization or a license from the medical faculty of the university.⁶³ Nevertheless the university was obliged, from the year 1423 on, for some ten years, to carry on a long and wordy suit in the Parlement of Paris against a certain Jean de Domremi who designated himself physician, surgeon, and visitor of the surgeons of the kingdom, although apparently he had no official authorization whatever.⁶⁴

Numerous other instances could be cited for the continuation of unauthorized and unlicensed medical practice both before and after 1500

⁵⁹ Wickersheimer, *Commentaires*, pp. 171, 179, 210.

⁶⁰ *Ibid.*, pp. 331-332; 353.

⁶¹ *Ibid.*, pp. 365, 368, 390, 397, 403, 404, 474-478, 483.

⁶² On December 7, 1437-1438 the medical faculty assembled to hear the response of the herbalists on the question of whether they would take the required oaths or not. The herbalists did not bother to appear and were declared, after they failed to heed a second summons, contumacious and hence subject to excommunication: Wickersheimer, *Commentaires*, p. 163.

⁶³ *Chart. univ. Paris.*, IV, p. 423, no. 2227; E. Nicaise, introduction to his edition of *Guy de Chauliac*, p. lxiii, cites a manuscript for the ordinance of Henry V in 1420.

⁶⁴ *Chart. univ. Paris.*, IV, pp. 424-428, nos. 2228-2231; *Journal de Clement de Fouquerbergue, Greffier du Parlement de Paris, 1417-1435*, ed. by A. Tuetey (*Société de l'histoire de France*, 3 vols., Paris, 1903-1905), II, 168, 223, note 1, 224; Wickersheimer, *Commentaires*, pp. 129-149.

and even into our own time. The medical faculty of the university of Paris had thus been unsuccessful in its contest against such practice, and the university records of the fourteenth and fifteenth centuries reveal the obstacles encountered in the attempts to enforce the approved license requirements and to prosecute those who practiced without them. On occasion our sympathy may go out to such an empiric or natural healer as Jacqueline Félicie appears to have been. But there seems little doubt that the enforcement, by licensing, of specific requirements and qualifications was, then as now, in accord with the public interest. The continued instances of charlatanism, quackery, and illegal practice even into our own day illustrate the inherent difficulties of the problem. The efforts, therefore, of the medical faculty of the university of Paris in initiating in Paris the contest against these practices and in enlisting against them successively the aid of ecclesiastical, municipal, and royal authorities would appear worthy of our interest and earnest consideration.

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